
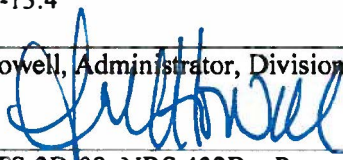


# Youth Grievance Policy

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**DIVISION OF CHILD AND FAMILY SERVICES**  
**Juvenile Justice Services**  
**STATEWIDE INSTITUTIONAL POLICY**

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<b>SUBJECT:</b>	Youth Grievance Procedure
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<b>REFERENCES:</b>	ACA 3-JTS-3D-09; NRS 432B – Protection of Children from Abuse and Neglect; DCFS Children’s Mental Health Oasis On Campus Treatment Homes Policy on Consumer Complaints 5.121; DCFS Children’s Mental Health Policy on Reporting Suspected Abuse and Neglect of Clients 2.30
<b>ATTACHMENTS:</b>	A: Youth Grievance Form B: Response to Formal Grievance C: Superintendent’s Response to a Formal Grievance D: Deputy Administrator’s Response to a Formal Grievance

## I. POLICY

The agency shall have a youth grievance process that allows all youth to raise issues regarding conditions of confinement. The intent of the youth grievance process is:

1. To provide a mechanism for youth to express their concerns
2. To provide a process for the efficient and fair resolution of legitimate youth concerns and
3. To provide for the effective management of the facility and departments within the facility.

Facility staff will be responsive to the concerns of youth. Youth grievances will be resolved as soon as possible. All youth will be instructed in the youth grievance process.

Facility management shall ensure that this grievance resolution process provides:

1. An available system for hearing and resolving concerns of youth.

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2. Assistance to youth in resolving issues and concerns that they may have
3. Specific timeframes at each level of review to ensure timely responses.
4. A fair, neutral and prompt decision in response to concerns.
5. A management tool for administrators.
6. Assurances that no youth will be subject to retaliation as a result of submitting a grievance.

## II. PURPOSE

The purpose of this policy and administrative procedure is to provide a well defined process for youth to resolve concerns related to the conditions of confinement.

## III. DEFINITIONS

As used in this document, the following definitions shall apply:

- A. Appeal: The submission of a grievance following the receipt of a response for a higher level of review following the receipt of a response at a lower level.
- B. Classification: A process determining the needs and requirements of youth, such as housing and programs within a facility.
- C. Designee: The designee of the superintendent typically follows the chain of command of the facility which includes but is not limited to the Assistant Superintendent and the Head Group Supervisor.
- D. Emergency grievance: A grievance which is filed by a youth based upon a situation or condition which presents a potential and substantial risk to life or safety of a youth/staff or when irreparable harm to the youth's/staff's health is imminent.
- E. Grievance: A written report by a youth asking for the resolution of a problem or incident of concern that has occurred while being confined at the facility.
- F. Remedy: A meaningful response, action or resolution to a grievance.
- G. Reprisal: Any act or threat of action against anyone for the legitimate and honest use of the youth grievance process.

## IV. PROCEDURES

- A. Youth may attempt to resolve a grievance or concern against another youth or staff member by informally discussing the issue with the concerned party. Staff shall make themselves available to discuss issues or solutions with youth in order to resolve the issue in this informal manner.
- B. Issues which may prompt a youth to submit a grievance include but are not limited to:

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1. Policies, procedures and rules of the facility.
  2. Words and actions of individual staff, contractors or volunteers at the facility.
  3. Acts of reprisal for the legitimate and honest use of or participation in the youth grievance process.
  4. Other concerns relating to conditions of care or treatment within the facility.
- C. Some issues that cannot be resolved by the youth grievance process include but are not limited to:
1. Federal, state or local law.
  2. Court actions and decisions including pre-commitment reports.
  3. Classification decisions or actions.
  4. Disciplinary actions or decisions.
  5. Contents of grievance or appeal responses.
  6. School or cottage points.
  7. Matters over which the facility has no control.
- D. Youth may initiate the grievance process when they have a problem, concern or an incident has occurred that affects them personally.
1. Youth who choose to use the grievance process shall not be subject to reprisal by staff or other students.
  2. Youth shall not be the subject of disciplinary action for the legitimate and honest use of the youth grievance process.
  3. Youth will be made aware that there are levels of appeal that are available to them when they disagree with the findings/decisions at any level.
- E. Youth Responsibilities: Youth who wish to submit a grievance shall do so by submitting a Youth Grievance Form (Attachment A). Youth Grievance Forms shall be readily accessible to youth in locations throughout the facility and no youth shall be required to ask a staff member for a grievance form.
1. Youth may request staff help in completing a grievance form. Staff shall respond positively to a youth's request for assistance. Requests for assistance may apply to youth who have cognitive impairments, limited English fluency, difficulty reading or writing or any other issue making completing the form difficult.
  2. The facility shall have locked youth grievance boxes throughout the facility where youth can place their written grievance forms. These locations shall be campus wide including living units, school, recreational areas, etc.
  3. Youth may submit an emergency grievance in instances where the situation presents a potential or substantial risk to life or safety or in situations where the health or well being of a youth or staff may be harmed.
    - a. In these instances youth may still place the grievance form in the grievance box or they may give the form to a trusted staff member to deliver to administrative staff.
    - b. Staff shall in no way impede the process or interfere in any manner when a youth feels that there is a legitimate need to submit this type of grievance.

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4. To assist in investigating all grievances, youth shall be encouraged to provide the following information on their grievance form:
    - a. Youth's name.
    - b. A description of what occurred or what was said.
    - c. Name(s) of staff involved, if staff is involved.
    - d. Date and time of the incident.
    - e. Where the incident occurred.
    - f. Names of any witnesses present.
    - g. Any steps that they have taken to resolve the issue.
    - h. Proposed remedy or resolution to the issue, problem or concern.
    - i. The youth will sign and date the form.
  5. If youth are unable to obtain a grievance form for whatever reason, youth should attempt to contact the Assistant Superintendent/designee or the Superintendent as soon as possible by submitting a letter to the Cottage Leader, Group Supervisor IV or placing the letter in the grievance box.
- F. Review Authority: The review authority will be, at the first (initial) level, the Assistant Superintendent, unless that individual is not available. In such cases, the Superintendent may designate another supervisory staff to provide the first level of review. At the Superintendent's direction, a committee of no more than three individuals may also be substituted for the Assistant Superintendent when special circumstances exist. The Deputy Administrator will be advised of these special circumstances. For the purposes of this policy, the review authority shall:
1. Collect the grievances daily from the locked boxes located throughout the facility.
  2. Ensure that each grievance is date stamped.
  3. Ensure that grievances are logged in the facility data base upon receipt and that each grievance is assigned a tracking number, on the same day that it is retrieved.
    - a. The facility data base will provide discreet information to management regarding the nature of grievance types, types of remedies that are being provided and if there are any potential trends developing. The data base will also provide clear indications of the number of appeals and the meeting of timeframes.
    - b. A monthly report of the previous month's grievances will be made available to the Superintendent, the Deputy Administrator and the Quality Assurance Lead.
  4. Review carefully each grievance and prioritize any grievances which may require immediate action and/or notification.
    - a. The review authority should read and review the grievances as soon as is practicable after retrieving the grievances from the locked boxes throughout the facility. This review may occur before the grievances are date stamped, logged in to the data system and assigned a tracking number.

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1. Grievances may be returned to a youth if there is missing information. This should be done as quickly as possible in order to maintain required timeframes.
2. Grievances may be returned to the youth if the grievance has profanities/obscenities. The youth will be asked to re-write the grievance taking out the unacceptable language. This does not apply in cases here the obscenities reflect language actually used or exchanged between parties involved.
  - a. When the youth re-writes the grievance the procedure will follow as required.
  - b. If a youth refuses to re-write the grievance the review authority will follow the procedure without delay as required by this policy.
- b. Grievances will be read and reviewed at the end of the work day they were retrieved. Screening for emergency situations will also occur at the same time.
- c. Upon reading and reviewing grievances if one appears to be an emergency grievance, the Superintendent/designee will be notified immediately. The Superintendent will be solely responsible for dealing with and resolving the grievance.
5. If the grievance is an allegation of abuse or neglect it shall no longer be handled as a youth grievance and shall be reported to Child Protective Services. Grievances do not replace the responsibility of reporting abuse or neglect. Staff will follow policy and procedure for reporting abuse and/or neglect including placing a telephone call to the Crisis Call Center. For facilities located in Northern Nevada: 775-784-8090. For facilities located in rural areas: 1-800-992-5757. For facilities in Southern Nevada: 702-399-0081. This report will be accepted by the Child Welfare Deputy Administrator who will pass the details of the call to the Juvenile Justice Deputy Administrator.
6. For those grievances that do not comply with policy and administrative procedure, provide follow up to the youth in writing within three (3) business days. This should include a clear explanation to the youth why the grievance does not meet criteria for action and what alternatives he/she may or may not have to address the issue.
7. If a grievance is filed against the reviewer, the reviewer will turn the grievance in to the Superintendent who will decide who will review the grievance.
8. Investigate the grievance. This may include:
  - a. Interview staff or youth or request written statements from relevant staff or youth.
  - b. Review local procedure.
  - c. Review relevant departmental procedures or practices.
  - d. Review as necessary inventories, logs, medical records, etc.
  - e. Interview witnesses when appropriate.
  - f. Interview resource staff or additional staff as appropriate.

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- g. Take any other responsible action as directed by supervisors.
- 9. Upon completion of the investigation, the response shall be prepared on the Response to a Formal Grievance Form (Attachment B). The following information, at least, shall be included on this form:
  - a. Name of the staff person investigating the grievance and their title.
  - b. Name of the youth who submitted the grievance and their date of birth.
  - c. A date stamp indicating the date that the grievance was received; that is, the date it was retrieved from the grievance box and assigned a tracking number.
  - d. Indicate whether the timeframes were met or not. An explanation will be provided when timeframes are not met.
  - e. The action taken or the decision reached.
  - f. Any corrective action taken.
  - g. Additionally, the responder may also address or reference any policy or guideline; any witnesses interviewed; any suggestions for further consideration such as other alternatives or any positive, commendations related to a youth's decision making or behavior.
  - h. The responder will sign and date the form.
- 10. With the written response referenced above in #9 a face-to-face meeting with the youth shall take place. Presentation to the youth should be as clear and concise as possible, free of language that would be difficult for the youth to comprehend. Resolution of the grievance may include, when appropriate, mediation between the youth and the other party.
- 11. The youth will have an opportunity to review the form, ask questions and indicate whether they agree or disagree with the reviewer's findings.
- 12. If the youth agrees with the findings, the youth shall be asked to sign his/her name and indicate the date.
- 13. If the youth disagrees with the findings, the youth will indicate so and sign and date the form. Within five days, the youth may submit to the Superintendent their request for the next level of review. The youth will resubmit in the grievance box.
- 14. A youth can choose to withdraw their grievance at any time. The reviewer must document the youth's decision and rationale on the grievance or the grievance response form.
- 15. Superintendent Review: The Superintendent shall review grievances following the first level of review (Assistant Superintendent or Head Group Supervisor.) in those situations where the youth disagrees with the reviewer's response.
  - a. The Superintendent shall review all of the paperwork associated with the initial grievance and any of the additional paperwork or documentation that may have been done.
  - b. The Superintendent may initiate any of the actions or steps listed above in # 8.
  - c. The Superintendent will document their investigative results on the Response to Formal Grievance Form.

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- d. The Superintendent will meet with the youth in order to review their findings.
  - e. If the youth agrees with the findings the youth will be asked to sign and date the form.
  - f. If the youth disagrees with the findings, the youth will be informed that they may request another level of review with the Deputy Administrator.
16. Deputy Administrator Review: The Superintendent will be responsible for informing the Deputy Administrator that a youth has requested a review and will further be responsible for forwarding to the Deputy Administrator all of the related documents from every level of previous review.
- a. The Deputy Administrator may complete the review or may delegate the review to another staff member.
  - b. The review may include any of the steps outlined in # 8 above.
  - c. A written response will be given to the youth and will provide detailed information that supports previous findings or disagrees with the previous findings.
  - d. The written response will be specific in outlining proposed remedies if appropriate.
- G. Timeframes: The following timeframes will apply to this policy:
- 1. Assistant Superintendent or Head Group Supervisor. Review (first level):
    - a. Grievance will be retrieved from the designated boxes every day, Monday through Friday. The Superintendent will appoint a designee staff member for the weekends and holidays.
    - b. The first review shall be completed within five (5) business days.
      - 1. Exceptions to the five (5) business day timeframe shall be documented on the response form.
  - 2. Superintendent Review:
    - a. The Superintendent shall complete their review/investigation within five (5) business days of receipt of the grievance
    - b. The Superintendent shall document on the response form any exceptions to the established timeframe
    - c. If a youth requests another level of review the Superintendent is responsible for notifying the Deputy Administrator within twenty four (24) hours and is responsible for forwarding the documentation to the Deputy Administrator within forty eight (48) hours.
  - 3. Deputy Administrator Review:
    - a. The Deputy Administrator shall complete the review within ten (10) business days.
    - b. The Deputy Administrator shall document on the response form any exception to the established timeframes.
- A. Documentation: Copies of all youth grievances and responses at every level of review shall be retained.
- 1. At every level of review youth shall be provided a copy of the response form

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- a. At every level of review a copy of the youth's grievance and the response is to be filed in the youth's master file.
  - b. Facilities shall provide copies of all youth grievances and responses to the Deputy Administrator and the Legislative Counsel Bureau unless otherwise directed.
- I. Awareness and Training: All youth, youth's parents or guardians and facility staff will be afforded an opportunity to learn about the youth grievance process.
- 1. All youth newly admitted to the facility are afforded an opportunity to learn about the youth grievance process in an orientation class.
  - 2. Youth completing the class will sign a document stating that they have received and completed the class. The receipt of the class will be filed in the youth's master file.
  - 3. The youth grievance process will be explained in the facility student handbook and all youth will have their own copies of the student handbook.
    - a. Periodic refresher classes on the youth grievance process will be provided to youth at the facility. These refresher classes should happen no less than quarterly and classes will be documented.
    - b. Written information regarding the youth grievance process will be included in the information packet that is mailed to all parents/guardians upon the youth's arrival at the facility.
    - c. Employees of the facility will be trained on the youth grievance process during their entry level training.
      - 1. Employees of the facility will understand the youth grievance process and be able to answer questions regarding any aspect of the process.
      - 2. Employees of the facility will understand that the grievance procedure is confidential.